

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

TRUE THE VOTE, *et al.*

PLAINTIFFS

V.

CIVIL ACTION NO.: 3:14-CV-532-NFA

THE HONORABLE DELBERT HOSEMANN,
in his official capacity, as Secretary of State for the
State of Mississippi, *et al.*,

DEFENDANTS

STATE OF MISSISSIPPI

COUNTY OF LAUDERDALE

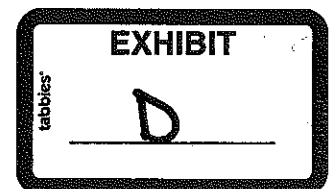
AFFIDAVIT OF DONNA JILL JOHNSON

COMES NOW the undersigned, Donna Jill Johnson, being duly sworn, states on
her oath as follows:

1. I am over the age of 21 years, have personal knowledge and am competent
to testify regarding the matters contained herein.

2. I am the duly elected Circuit Clerk for Lauderdale County, Mississippi and
have served in that capacity since January of 1992. In my capacity as Circuit Clerk, I am
also the County Registrar as specified by Mississippi Code § 23-15-211. While I work
closely in many respects with the Lauderdale County Election Commission, I am not a
member of the Election Commission.

3. My office and the office of the Lauderdale County Election Commission
share a waiting area for the public on the First Floor of the Lauderdale County



Courthouse. My office also has a large vault for storage of important records and information including, at times, ballot boxes. The entrance to the vault is located on the office-side of my main counter.

4. On the morning of Monday, July 7, 2014, representatives from the Chris McDaniel campaign and the Thad Cochran campaign were present in the vault reviewing contents of the ballot boxes from the June 24, 2014 primary run-off election as well as poll books utilized for the June 3, 2014 primary election and the June 24, 2014 primary run-off election. I had a meeting out of the office that morning. When I left the office, the representatives from the two campaigns were conducting the inspection while supervised by Election Commissioners Awana Simmons and Wallace Heggie.

5. When I returned to my office shortly before lunch on July 7, 2014, Chief Deputy Clerk Tina Moore showed me a written request for certain voting records. Ms. Moore explained that a couple had visited the office earlier that morning and had completed the request form.

6. Shortly after lunch on July 7, 2014, a couple entered the office and introduced themselves as the Hobsons. I do not recall if they informed me at that moment that they were affiliated in some manner with the True The Vote, or if someone else in the office had informed me. The Hobsons confirmed that they had submitted a written records request earlier in the morning. The fact that they came back to my office gave me the impression that they wanted to make sure that I had actually received the request and

also so that they could answer any questions that I may have about the request. I retrieved the request from Tina Moore and I discussed the request with them to ensure that I understood precisely what they were asking for. The request included two slips of paper which I understood was to be part of the request. I made a photocopy of the slips onto one sheet of paper which I then attached to the records request. Attached hereto as Exhibit "1" is a true and correct copy of the records request form which includes the one-page photocopy of the slips of paper. In the attachment to the request, the Hobsons asked for the following:

Electronic file from the June 3rd Primary (By Precinct)

-List of all the Republican Voters who voted by Precinct:

- in person on Election Day
- via absentee ballot

-List of all of the Democratic Voters who voted by Precinct:

- in person on Election Day
- via absentee ballot

Electronic file from the June 24th Runoff (By Precinct)

-List of all the Republican Voters who voted by Precinct:

- in person on Election Day
- via absentee ballot

-List of all of the Democratic Voters who voted by Precinct:

- in person on Election Day
- via absentee ballot

The Hobsons requested in the form that the results be alphabetized by street name, by precinct. They also requested that both physical and mailing addresses be included.

7. On the form, the Hobsons requested that the results be provided in electronic format. I explained to them that the results would be made available on a disk. On the form, they also asked that the results be provided in Excel spreadsheet format and emailed to the following address: taylor.phillips1@gmail.com.

8. I explained to the Hobsons that the charge to prepare the response to for the request was \$100.00, and asked if they wanted to pay at that time or when the request was completed. Mrs. Hobson responded that she would go ahead and make the payment and wrote a personal check. Attached hereto as Exhibit "2" is a true and correct copy (redacted) of Mrs. Hobson's personal check. I informed Mrs. Hobson that my office would not cash the check until the Hobsons received the information as requested. I also explained to the Hobsons that I was leaving the next day for a Circuit Clerk's convention and I asked if the request could wait until I got back to the office the next week. Both Mr. and Mrs. Hobson responded that there was no problem with the requested delay.

9. My visit with the Hobsons lasted for approximately ten minutes. During the visit they were very polite and personable with "small talk" about Texas. I asked if they were visiting any other counties and they responded that they were sent only to visit Lauderdale County. They shared with me at that time that they were volunteers for True The Vote.

10. As stated, my visit with the Hobsons lasted for approximately ten minutes. They then left, and to my knowledge, have never returned to either my office or that of the Lauderdale County Election Commission. At no time did they express any concern that they had been denied to see any records or that they had been denied any documents. They made no threat or statements about any Lauderdale County official being sued if they were not permitted to immediately see any documents on July 7, 2014 or if the response to their records request was not immediately completed on July 7, 2014. Rather, the Hobsons seemed satisfied when they left my office. There was nothing to indicate that either Mr. or Mrs. Hobson was dissatisfied with the service they received or the explanations they were provided on July 7, 2014.

11. At no time during the Hobsons' visit to my office did I hear either of them ask to review any poll book, or did they ask for a copy of any poll book or pages from any poll book.

12. Needless to say, I was shocked to later learn that the Lauderdale County Election Commission had been included in a lawsuit filed only two days later on July 9, 2014 by True The Vote and others. I note that neither Mr. Hobson nor Mrs. Hobson are Plaintiffs in that lawsuit. I was also extremely surprised to learn that the Plaintiffs alleged in their Complaint that the Hobsons had submitted a request for copies of poll books during their visit on July 7, 2014; however as indicated above, that simply did not occur.

13. Regarding the Hobsons' written request, I asked Lauderdale County

Election Commission Chairman Jeff Tate to assist me in preparing the response. Jeff Tate, with the assistance of counsel, submitted the requested documents to the email address provided by the Hobsons. Jeff Tate utilized the Statewide Election Management System (SEMS) to generate the electronic files (Excel spreadsheets), which contained all of the information requested by Mr. and Mrs. Hobson in their records request.¹ To this day, I have received no complaint or concern, whether written or oral, from the Hobsons or any other person claiming that the actual response to the Hobsons' request was inadequate.

14. Attached hereto as Exhibits "3" and "4" respectively are Election Summary Reports for the primary election on Tuesday, June 3, 2014 and the primary runoff election on Tuesday, June 24, 2014. As those Election Summary Reports correctly reflect, Lauderdale County has 44,978 registered voters. As the Election Summary Report for the primary election of June 3, 2014 correctly reflects, there were a total of 10,335 votes cast, representing 22.98% of the registered voters. As the Election Summary Report for the runoff election of June 24, 2014 correctly reflects, there were a total of 11,997 votes cast, representing 26.67% of the registered voters.

15. I have custody and control of the poll books from the June 3, 2014 primary election and the June 24, 2014 primary runoff election. When representatives from either

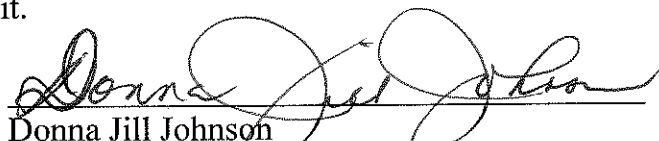
¹As the Circuit Clerk, I control access to SEMS in Lauderdale County. I had previously authorized Jeff Tate and the other election commissioners to have access to SEMS. Jeff Tate is very proficient in using SEMS. As a result, I asked him to assist the preparing the response to the Hobson's records request.

the McDaniel campaign or the Cochran Campaign or any other concerned citizen has reviewed the poll books, the column containing the voters' birthdates has been physically obscured by placing an object, such as a ruler or sheet of paper, over the column. The original poll books have not been destroyed, altered, or modified in any way. Similarly consistent with state law, the original poll books will not be altered or modified in any way and most certainly will not be destroyed.

16. In their written request, the Hobsons did not request copies of any other documents including poll books, absentee ballot applications, absentee voting envelopes, voter registration applications, federal post card applications, absentee ballots, or any other type of voter registration materials.

17. To my knowledge, since July 7, 2014, neither the Hobsons nor any other representative of the True The Vote has returned to either the office of the Lauderdale County Circuit Clerk or the office of the Lauderdale County Election Commission.

18. This concludes my Affidavit.

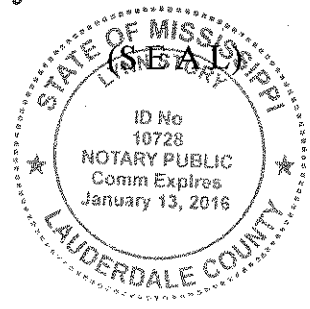

Donna Jill Johnson

SWORN TO AND SUBSCRIBED BEFORE ME, this the 06 day of August, 2014.


NOTARY PUBLIC

My Commission Expires:

1-13-2016



REQUEST FOR LAUDERDALE COUNTY VOTER ROLLS

/ INFO

DATE 7/7/14

YOUR PRINTED NAME

John Hobson

YOUR SIGNATURE

John Hobson

OFFICE REQUESTING

DISK

in excelformat, please email to taylor.phillips1@gmail.com

MAILING ADDRESS

N/A

DAY TIME TELEPHONE #

281-796-8987

REQUEST MADE (MARK ONE) 0-999

\$25.00

✓

**** 1,000-10,999

\$50.00

**** 11,000-20,999

\$75.00

**** 21,000-

\$100.00

MARK ONE:

ALPHABETIZE BY VOTERS NAME

ALPHABETIZE BY VOTERS NAME
BY PRECINCT

ALPHABETIZE BY STREET NAME

ALPHABETIZE BY STREET NAME
BY PRECINCT✓

OTHER

MARK ONE:

PHYSICAL ADDRESS ONLY

MAILING ADDRESS ONLY

BOTH PHYSICAL AND
MAILING ADDRESS✓*****
DATE RECEIVED _____ DATE SENT OR PICKED UP _____

RECEIVED CHECK

RECEIVED CASH

BY CLERK OR

DEPUTY CLERK _____

MAKE CHECK PAYABLE TO LAUDERDALE COUNTY GENERAL FUND WITH THIS FORM
 ATTACHED AND RETURN TO THE CIRCUIT CLERK OFFICE OR MAIL TO P O BOX 1005,
 MERIDIAN MS 39302-1005. IF YOU HAVE ANY QUESTIONS CALL THE CIRCUIT CLERKS OFFICE
 AT (601) 482-9731. REQUEST WILL BE COMPLIED WITHIN 7 DAYS.

EXHIBIT

tabbles

Electronic File from the June 3rd Primary (By Precinct)

-List of all the Republican Voters who voted by Precinct:

- in person on Election Day
- via absentee ballot

-List of all the Democratic Voters who voted by Precinct:

- in person on Election Day
- via absentee ballot

Electronic File from the June 24th Runoff (By Precinct)

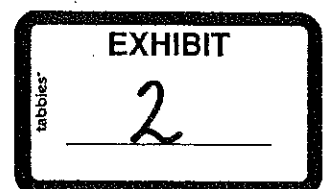
-List of all Republican Voters who voted by Precinct

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- via absentee ballot

-List of all Democratic Voters who voted by Precinct

- in person on Election Day
- via absentee ballot

JOHN M HOBSON OR KAREN L HOBSON 389 RIVER CLIFF PL SPRING BRANCH, TX 78070-5495		1558 37-65/1119 7953 1000211581867
		DATE <u>11-7-14</u>
PAY TO THE ORDER OF	<u>Circuit Clerk</u>	\$ <u>100.00</u>
<u>One Hundred & ⁰⁰/₁₀₀</u>		DOLLARS <input checked="" type="checkbox"/> Security Features Details on Back
WELLS FARGO Wells Fargo Bank, N.A. Texas wellsfargo.com		
FOR	<u>ELECTION INFO</u>	<u>Karen Hobson</u> MP
<div style="background-color: black; height: 15px; width: 100%;"></div>		



Election Summary Report
 Primary Election
 Lauderdale County, Mississippi
 Tuesday, June 3, 2014
 Summary For Jurisdiction Wide, All Counters, All Races
 Official Results

Date: 06/04/14
 Time: 17:02:38
 Page: 1 of 1

Registered Voters 44978 - Cards Cast 10335 22.98%

Num. Report Precinct 45 - Num. Reporting 45 100.00%

Senate-Republican	R	Total	
Number of Precincts		45	
Precincts Reporting		45	100.0 %
Total Votes		8897	
Thomas L. Carey		58	0.65%
Thad Cochran		4953	55.67%
Chris McDaniel		3881	43.62%
Write-in Votes		5	0.06%

3rd Congressional District-Republican	R	Total	
Number of Precincts		45	
Precincts Reporting		45	100.0 %
Total Votes		8634	
Hardy Caraway		545	6.31%
Gregg Harper		8079	93.57%
Write-in Votes		10	0.12%

Senate-Democrat	D	Total	
Number of Precincts		45	
Precincts Reporting		45	100.0 %
Total Votes		1380	
Travis W. Childers		732	53.04%
William Bond Compton		287	20.80%
Bill Marcy		312	22.61%
Jonathan Rawl		43	3.12%
Write-in Votes		6	0.43%

3rd Congressional District-Democrat	D	Total	
Number of Precincts		45	
Precincts Reporting		45	100.0 %
Total Votes		1190	
Jim Liljeberg		186	15.63%
D. M. (Doug) Magee		668	56.13%
Dennis C. Quinn		333	27.98%
Write-in Votes		3	0.25%

EXHIBIT

3

Election Summary Report
 Primary Runoff Election
 Lauderdale County, Mississippi
 Tuesday, June 24, 2014

Date: 07/02/14
 Time: 10:32:15
 Page: 1 of 1

Summary For Jurisdiction Wide, All Counters, All Races
 Official Results

Registered Voters 44978 - Cards Cast 11997 26.67%

Num. Report Precinct 45 - Num. Reporting 45 100.00%

Senate-Republican	R	
	Total	
Number of Precincts	45	
Precincts Reporting	45	100.0 %
Times Counted	11019/44978	24.5 %
Total Votes	10995	
Thad Cochran	6204	56.43%
Chris McDaniel	4790	43.57%
Write-in Votes	1	0.01%

3rd Congressional District-Democrat D		
	Total	
Number of Precincts	45	
Precincts Reporting	45	100.0 %
Times Counted	978/44978	2.2 %
Total Votes	946	
D. M. (Doug) Magee	429	45.35%
Dennis C. Quinn	508	53.70%
Write-in Votes	9	0.95%

EXHIBIT

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